

A U S T I N C I T Y C O U N C I L  
**AGENDA**



Thursday, April 27, 2006

Back

**Item(s) to Set Public Hearing(s)  
RECOMMENDATION FOR COUNCIL  
ACTION**

ITEM NO: 33

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**Subject:** Set a public hearing to consider amending the City Code to reflect departmental responsibilities that resulted from the formation of the One-Stop Shop. (Suggested date and time: May 4, 2006, at 6:00 p.m., Austin City Hall Council Chambers, 301 West Second Street)

**Amount and Source of Funding:**

**Fiscal Note:** There is no unanticipated fiscal impact. A fiscal note is not required.

**Additional Backup Material**

(click to open)

**draft ordinance changes**

**For More Information:**

**Prior Council Action:**

**Boards and Commission Action:** Recommended by Codes and Ordinances on February 21, 2006. To be reviewed by the Planning Commission on April 25, 2006.

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The creation of the One-Stop Shop and the elimination of the Transportation Planning and Sustainability Department approved in the FY 2004-2005 Budget require amendments to the City Code to accurately reflect departmental responsibilities to administer certain sections of the code. Examples of changes in departmental responsibilities requiring Code changes are:

The Right of Way Management section was transferred from Public Works Department to the Watershed Protection and Development Review Department to improve coordination within the One-Stop Shop. The Transportation Engineering and Maintenance functions were transferred to the Public Works Department.

*These transfers of responsibilities result in no substantive changes to the City Code.*

**ORDINANCE NO.**

**AN ORDINANCE AMENDING THE CITY CODE TO IMPLEMENT CERTAIN CITY ORGANIZATIONAL CHANGES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The following sections of the City Code are amended to replace the term "director of the Transportation, Planning, and Sustainability Department" or "Transportation, Planning, and Sustainability Department" with "city manager":

- (A) Section 2-1-402;
- (B) Section 2-1-404;
- (C) Section 6-3-64;
- (D) Section 12-1-52;
- (E) Section 12-5-38;
- (F) Section 14-11-131;
- (G) Section 14-11-132;
- (H) Section 14-11-133;
- (I) Section 14-11-134;
- (J) Section 14-11-135;
- (K) Section 14-11-138;
- (L) Section 15-9-33;
- (M) Section 25-6-55;
- (N) Section 25-6-82;
- (O) Section 25-6-83;
- (P) Section 25-6-114;
- (Q) Section 25-6-171;

1 (R) Section 25-6-174;  
2 (S) Section 25-6-202;  
3 (T) Section 25-6-205;  
4 (U) Section 25-6-381;  
5 (V) Section 25-6-382;  
6 (W) Section 25-6-413;  
7 (X) Section 25-6-477;  
8 (Y) Section 25-9-152;  
9 (Z) Section 25-9-153;  
10 (AA) Section 25-9-160;  
11 (BB) Section 25-9-162;  
12 (CC) Section 25-9-222;  
13 (DD) Section 25-9-223;  
14 (EE) Section 25-9-224;  
15 (FF) Section 25-9-251;  
16 (GG) Section 25-9-252;  
17 (HH) Section 25-9-253;  
18 (II) Section 25-9-254;  
19 (JJ) Section 25-9-256; and  
20 (KK) Section 25-9-283.

21 **PART 2.** The following sections of the City Code are amended to replace the term  
22 "director of the Public Works Department" or "Public Works Department" with "city  
23 manager":

24 (A) Section 14-11-41;  
25 (B) Section 14-11-42;

- 1 (C) Section 14-11-44;  
2 (D) Section 14-11-45;  
3 (E) Section 14-11-46;  
4 (F) Section 14-11-47;  
5 (G) Section 14-11-202;  
6 (H) Section 25-2-1217;  
7 (I) Section 25-6-232;  
8 (J) Section 25-6-233;  
9 (K) Section 25-6-235;  
10 (L) Section 25-6-261;  
11 (M) Section 25-6-262;  
12 (N) Section 25-6-263;  
13 (O) Section 25-6-264;  
14 (P) Section 25-6-265;  
15 (Q) Section 25-6-266;  
16 (R) Section 25-6-292;  
17 (S) Section 25-6-293;  
18 (T) Section 25-6-297;  
19 (U) Section 25-7-123;  
20 (V) Section 25-7-124; and  
21 (W) Section 25-8-322.

22 **PART 3.** Section 2-1-272 (*Members*) of the City Code is amended to delete Subsection  
23 (E) and reletter the remaining subsection accordingly.

24 **PART 4.** Subsection 2-1-274(A) (*Functions Generally*) of the City Code is amended to  
25 read:

1 (A) The Environmental Board shall serve as an advisory body to the city council,  
2 the city manager, [~~the Transportation, Planning, and Sustainability~~  
3 ~~Department,~~] and the Watershed Protection and Development Review  
4 Department concerning all policies, projects and programs affecting the quality  
5 of life, and impacting or possibly impacting the existing environment;  
6 including:

7 (1) Water quality:

- 8 (a) watershed protection;  
9 (b) urban runoff;  
10 (c) innovative wastewater treatment;  
11 (d) regional wastewater treatment;  
12 (e) improvement and protection of Colorado River and Edwards Aquifer;  
13 (f) wastewater irrigation; and  
14 (g) ordinance effectiveness.

15 (2) Growth management and land use planning:

- 16 (a) MUD review;  
17 (b) CIP project review; and  
18 (c) Comprehensive plan.

19 (3) Construction controls: erosion and sedimentation.

20 (4) City environmental policies:

- 21 (a) monitor;  
22 (b) enforce; and  
23 (c) ordinance effectiveness.

24 (5) Solid waste disposal plan: alternatives.

25 (6) Watershed protection:

- 26 (a) flood control;

1 (b) erosion control;

2 (c) water quality; and

3 (d) utility management, including compliance with Chapter 2-9  
4 (*Minority-Owned and Women-Owned Business Enterprise*  
5 *Procurement Program*) of the Code.

6 (7) Roadway planning.

7 (8) Beautification.

8 (9) Recreation resources.

9 (10) Public education on environmental matters.

10 (11) Hazardous waste materials management.

11 (12) Revegetation and landscaping.

12 (13) Air quality.

13 (14) Noise abatement.

4 **PART 5.** Section 2-1-277 (*Purpose And Intent*) of the City Code is amended to read:

15 **§ 2-1-277 PURPOSE AND INTENT.**

16 It is the purpose and intent of the city council to create a permanent citizen board  
17 empowered to review and analyze the policies relating to the environmental quality of the  
18 city; to act as an advisory board to the city council, city manager, and Watershed  
19 Protection and Development Review Department[, ~~and Transportation, Planning, and~~  
20 ~~Sustainability Department~~] in their efforts to oversee the protection and integrity of the  
21 natural environment, promote growth management and land use planning, minimize  
22 degradation of water resources, protect downstream areas, and promote recreation  
23 opportunities and environmental awareness. It is the intent of this article that the Board  
24 will assist the city council, city manager, and Watershed Protection and Development  
25 Review Department[, ~~and Transportation, Planning, and Sustainability Department~~] in  
26 studying, promoting and enforcing environmental protection policies to assure the health,  
27 safety, welfare and quality of life of all citizens within the City's incorporated boundaries  
28 as well as those within its extraterritorial jurisdiction where the boundaries apply.

29 **PART 6.** Section 2-1-279 (*Staff Support*) of the City Code is amended to read:

1       **§ 2-1-279 STAFF SUPPORT.**

2               Staff support shall be provided as needed by the Watershed Protection and  
3       Development Review Department [~~and the Transportation, Planning, and Sustainability~~  
4       ~~Department~~]. In addition, staff support may be requested from time to time from the Law  
5       Department or other departments of the City.

6       **PART 7.** Subsection 2-1-472(B) (*Members*) of the City Code is amended to read:

7               (B) The urban forester, city arborist, the director of Parks and Recreation  
8               Department, and the director of the Watershed Protection and Development  
9               Review Department[~~, and the director of the Transportation, Planning, and~~  
10              ~~Sustainability Department~~] shall serve as ex officio members of the Board.

11       **PART 8.** Subsection 2-1-493(A) (*General Authority And Duties*) of the City Code is  
12       amended to read:

13              (A) The Urban Transportation Commission shall serve as an advisory body to the  
14              city council, the city manager, [~~and the Transportation, Planning, and~~  
15              ~~Sustainability Department~~] and all other transportation related departments  
16              concerning transportation related matters including: transportation energy  
17              conservation matters grant applications; streets and highways; bus and rail  
18              service; pedestrian and bikeway programs and projects; safety related  
19              programs and projects; provision for the needs of the mobility impaired;  
20              transportation franchise requests, renewals, rate adjustments, and hours of  
21              operation. The commission shall review all requests for taxicab permits, both  
22              annual permits and franchise permits, and make recommendation thereupon to  
23              the city council. The commission shall also review, study, and make  
24              recommendations to the Planning Commission on proposed transportation  
25              related projects for inclusion in the Capital Improvements Program, and on  
26              plans and programs submitted by the Austin Transportation Study Program.  
27              The commission shall annually review the City's transportation system  
28              including policies and programs and report to the city council. The  
29              commission shall receive and study citizen comments and suggestions in all  
30              areas of transportation.

31       **PART 9.** Section 2-9-11 (*Duties Of Finance And Administrative Services Department*)  
32       of the City Code is amended to read:

33       **§ 2-9-11 DUTIES OF FINANCE AND ADMINISTRATIVE SERVICES**  
34       **DEPARTMENT.**

35              The Purchasing Office of the Finance and Administrative Services Department  
            shall have the following duties and responsibilities with regard to the Program:

1 (1) Maintaining records of:

- 2 (a) the dollar amounts of awards of prime contracts to MBEs, WBEs, and  
3 DBEs;
- 4 (b) the actual dollar amounts paid under subcontracts awarded to MBEs,  
5 WBEs, and DBEs compared to total dollars paid on contracts. These  
6 payments shall be measured against projected payments or goals;
- 7 (c) the total annual expenditures to MBEs, WBEs, and DBEs as a  
8 percentage of the total expenditures on all contracts awarded by the  
9 City;
- 10 (d) monthly reports of the procurement categories for all procurements  
11 valued in excess of \$5,000, which shall include, at a minimum:
- 12 (i) the number of contracts and subcontracts awarded to MBEs,  
13 WBEs, and DBEs;
- 14 (ii) the dollar value of contracts and subcontracts so awarded;
- 15 (iii) the percentage of the dollar value of all contracts and  
16 subcontracts awarded during this period that were awarded to  
17 MBEs, WBEs, and DBEs;
- 18 (iv) an indication of whether, and the extent to which, the  
19 percentage of contracts and subcontracts awarded met the  
20 annual participation goals, if any have been established;
- 21 (v) upon request, the number and identities of MBEs, WBEs, and  
22 DBEs awarded contracts or subcontracts; and
- 23 (vi) department-by-department awards to MBEs, WBEs, and DBEs  
24 and expenditures, in comparison to total procurements of each  
25 department and the total for the City.
- 26 (e) For all procurements valued at less than \$5,000, a monthly report of  
27 the procurement categories, which shall include:
- 28 (i) the number of contracts awarded to MBEs, WBEs and DBEs;
- 29 (ii) The dollar value of contracts so awarded;
- 30 (iii) the percentage of the dollar value of all contracts awarded  
31 during this period which were awarded to MBEs, WBEs, and  
DBEs;



(iv) an indication of whether, and the extent to which, the percentage of contracts awarded met the annual participation goals; and

(v) upon request, the number and identities of MBEs, WBEs, and DBEs awarded contracts.

(2) Assisting in the record-keeping functions by obtaining monthly reports from the Public Works Department[, Transportation, Planning, and Sustainability Department,] and other construction project management departments on the status of construction contract MBE, WBE, and DBE obligations.

(3) Compiling an annual report of the last fiscal year's MBE, WBE, and DBE participation in contracting activity by department and for the City as a whole.

(4) Compiling and reporting to city council no later than 90 days after the end of each fiscal year, the utilization of MBEs and WBEs for that year based on awards of contracts.

(5) Operating, maintaining and enhancing the information systems necessary to assist DSMBR with implementation, administration and enforcement of this chapter.

**PART 10.** Subsection 6-1-1(3) (*Definitions*) of the City Code is amended to read:

(3) **DEPARTMENT** means the department designated by the city manager [Transportation, Planning, and Sustainability Department].

**PART 11.** Subsection 6-4-1(1) (*Definitions*) of the City Code is amended to read:

(1) **DIRECTOR** means the department director designated by the city manager [of the Transportation, Planning, and Sustainability Department].

**PART 12.** Subsection 12-1-1(3) (*Definitions*) of the City Code is amended to read:

(3) **TRAFFIC ENGINEER** means the person designated by the city manager to serve as the City's traffic engineer [director of the Transportation, Planning, and Sustainability Department].

**PART 13.** Section 12-1-11 (*Traffic Engineer Appointed*) of the City Code is amended to read:

1       **§ 12-1-11 TRAFFIC ENGINEER APPOINTED.**

2       A person designated by the city manager ~~[The director of the Transportation,~~  
3       ~~Planning, and Sustainability Department]~~ shall serve as the traffic engineer.

4       **PART 14.** Subsection 12-3-12(A) (*Utility Franchise Metered Parking Permits*) of the  
5       City Code is amended to read:

6           (A) The department director designated by the city manager ~~[of Transportation,~~  
7           ~~Planning, and Sustainability Department]~~ shall administer this section. The  
8           director may establish rules to administer this section.

9       **PART 15.** Subsection 12-3-13(B) (*Parking Meter Fee Debit Card*) of the City Code is  
10       amended to read:

11           (B) The department director designated by the city manager ~~[of Transportation,~~  
12           ~~Planning, and Sustainability Department]~~ may issue a parking meter fee debit  
13           card for use in a parking meter. The director may establish rules to administer  
14           this section.

15       **PART 16.** Subsections 13-2-1(4) and (5) (*Definitions*) of the City Code are amended to  
16       read:

17           (4) DEPARTMENT means the department designated by the city manager  
18           ~~[Transportation, Planning, and Sustainability Department]~~.

19           (5) DIRECTOR means the department director designated by the city  
20           manager ~~[of the Transportation, Planning, and Sustainability~~  
21           ~~Department]~~.

22       **PART 17.** Subsection 13-4-21(B) (*General Requirements*) of the City Code is amended  
23       to read:

24           (B) If a track crosses a public street that is paved or is included in a plan for future  
25           paving, the owner of a railroad track shall construct the crossing in accordance  
26           with plans and specifications approved by the city manager ~~[or the director of~~  
27           ~~Transportation, Planning, and Sustainability Department]~~.

28       **PART 18.** Section 13-4-23 (*Overhead Crossings*) of the City Code is amended to read:

29       **§ 13-4-23 OVERHEAD CROSSINGS.**

30       The city manager ~~[director of the Transportation, Planning, and Sustainability~~  
31       ~~Department]~~ may approve an overhead crossing of a public street by a railroad track after  
32       determining that a crossing at grade is impractical. The track owner shall construct the

overhead crossing at its expense in accordance with specifications prescribed by the city manager [~~director~~].

**PART 19.** Subsections 13-5-1(2) and(3) (*Definitions*) of the City Code are amended to read:

(2) DEPARTMENT means the department designated by the city manager [Transportation, Planning, and Sustainability Department].

(3) DIRECTOR means the department director designated by the city manager [~~of the Transportation, Planning, and Sustainability Department~~].

**PART 20.** Section 14-5-3 of the City Code is amended to read:

**§ 14-5-3 FEE FOR NEW STREET SIGNS; REFUND.**

- (A) The city manager [~~director of the Transportation, Planning, and Sustainability Department~~] shall determine the fee that is charged under Section 14-5-2(C)(2) (*Application and Fees*) based on an average cost for a sign calculated by the City [Transportation Planning, and Sustainability Department] at the beginning of each fiscal year multiplied by the number of signs that are necessary to implement the name change.
- (B) In setting the annual average cost for a sign, the city manager [~~director of the Transportation, Planning, and Sustainability Department~~] shall consider prevailing and projected market costs, prior bid costs, or both for the labor and material necessary to install a standard street sign.
- (C) If an application for a street name change is denied by the council, the new street sign manufacture and installation fee shall be refunded to the applicant by the City [~~department~~].

**PART 21.** Section 14-5-5 (*Administrative Review*) of the City Code is amended to read:

**§ 14-5-5 ADMINISTRATIVE REVIEW.**

(A) The department shall distribute copies of the application for review and comment to:

- (1) the City's traffic engineer [Transportation, Planning, and Sustainability Department];
- (2) the Fire Department;
- (3) the Police Department;

1 (4) the county engineer of the county or counties in which the subject street is  
2 located;

3 (5) Southern Union Gas Company;

4 (6) the United States Post Office; and

5 (7) any other department or entity the department may determine is  
6 appropriate.

7 (B) The City's traffic engineer [~~Transportation, Planning, and Sustainability~~  
8 ~~Department~~] shall advise the director if the proposed name is composed of a  
9 non-English alphabet or number of letters that may require a nonstandard or  
10 outsize sign.

11 **PART 22.** Subsection 14-5-8(B) (*Implementation Of Approved Street Name Change*) of  
12 the City Code is amended to read:

13 (B) The City's traffic engineer [~~Transportation, Planning, and Sustainability~~  
14 ~~Department~~] shall install new street signs. The City's traffic engineer  
15 [~~Transportation, Planning, and Sustainability Department~~] shall notify the  
16 department and the city clerk in writing when installation of new street name  
17 signs is complete.

18 **PART 23.** Subsections 14-6-1(1), (2), and (5) (*Definitions*) of the City Code are  
19 amended to read:

20 (1) DEPARTMENT means the department designated by the city manager  
21 [~~Transportation, Planning, and Sustainability Department~~].

22 (2) DIRECTOR means the department director designated by the city  
23 manager [~~of the Transportation, Planning, and Sustainability~~  
24 ~~Department~~].

25 (5) NON-CONSTRUCTION includes storage of news media equipment, a  
26 special event, loading or unloading equipment or property, and other  
27 purposes approved by the director [~~of the Transportation, Planning, and~~  
28 ~~Sustainability Department~~].

29 **PART 24.** Section 14-6-11 (*Permit For Temporary Use Of A Parking Space*) of the City  
30 Code is amended to add a new Subsection (E) to read:

31 (E) The city manager may issue a permit that allows a city employee on city  
32 business to park a private vehicle in a metered parking space.

1 **PART 25.** Subsections 14-8-1(3) and (4) (*Definitions*) of the City Code are amended to  
2 read:

3 (3) DEPARTMENT means the department designated by the city manager  
4 [Transportation, Planning, and Sustainability Department].

5 (4) DIRECTOR means the department director designated by the city  
6 manager [of the Transportation, Planning, and Sustainability  
7 Department].

8 **PART 26.** Subsection 14-9-23(A) (*Offense And Penalty*) of the City Code is amended to  
9 read:

10 (A) A person commits an offense if the person fails to display the person's right-  
11 of-way license verification card to a peace officer or authorized City employee  
12 [an employee of the Transportation, Planning, and Sustainability Department]  
13 during the time the person is operating at the permitted location.

14 **PART 27.** Subsection 14-9-31(4) (*Definitions*) of the City Code is amended to read:

15 (4) DIRECTOR means the department director designated by the city  
16 manager [of the Transportation, Planning, and Sustainability  
17 Department].

18 **PART 28.** Subsections 14-11-43(E) and (F) (*Annual Fee*) of the City Code are amended  
19 to read:

20 (E) The city manager [director of the Public Works Department] may waive an  
21 annual license fee if the city manager [director of the Public Works  
22 Department] determines that the license agreement benefits the licensed  
23 property.

24 (F) The city manager [director of the Public Works Department] shall waive an  
25 annual license fee if the city manager [director] determines that:

26 (1) the license agreement relates to property zoned central business (CBD) or  
27 downtown mixed use (DMU) and authorizes overhead pedestrian cover or  
28 a roof drain on adjacent public property; and

29 (2) the overhead cover, if any, is provided by a projection from a building,  
30 including a balcony or awning, or an arcade that is open to the street.

31 **PART 29.** Subsection 14-11-101(B) (*Applicability; Director*) of the City Code is  
32 amended to read:

1 (B) In this division, "director" means[:] the department director designated by the  
2 city manager.

3 ~~[(1) for a permit described in Division 2 (Temporary Use of Right of Way~~  
4 ~~Permit), the director of the Transportation, Planning, and Sustainability~~  
5 ~~Department; or~~

6 ~~(2) for a permit described in Division 3 (Excavation in Right of Way) or~~  
7 ~~Division 4 (Construction Near Moonlight Towers), the director of the~~  
8 ~~Public Works Department.]~~

9 **PART 30.** Section 14-11-106 (*Compliance Review Committee*) of the City Code is  
10 amended to read:

11 (B) The Compliance Review Committee is composed of the following five  
12 members:

13 (1) one Urban Transportation Commission representative appointed by the  
14 chair of the Urban Transportation Commission;

15 (2) one employee of the Public Works Department;

16 (3) one City employee appointed by the city manager [~~of the Transportation,~~  
17 ~~Planning, and Sustainability Department~~]; and

18 (4) two representatives of the building construction industry selected by the  
19 collective representatives of the industry.

20 **PART 31.** Subsections 14-11-137(B) and (C) (*Traffic Control Devices*) of the City Code  
21 are amended to read:

22 (B) The city manager [~~director of the Transportation, Planning, and Sustainability~~  
23 ~~Department~~] may approve the use of a traffic control or warning device that  
24 differs from the device required by the Transportation Criteria Manual or the  
25 Texas Manual on Uniform Traffic Control Devices on a determination that the  
26 alternative equipment is as effective as the equipment required by the  
27 Transportation Criteria Manual or the Texas Manual on Uniform Traffic  
28 Control Devices.

29 (C) The City [~~Transportation, Planning, and Sustainability Department~~] shall  
30 install a regulatory sign required by the Transportation Criteria Manual, the  
31 Texas Manual on Uniform Traffic Control Devices, or the city manager  
32 [~~director of the Transportation, Planning, and Sustainability Department~~].

1 **PART 32.** Subsections 14-11-161(5) and (6) (*Definitions*) of the City Code are amended  
2 to read:

3 (5) DEPARTMENT means the department designated by the city manager  
4 ~~[Public Works Department or a successor department that is responsible~~  
5 ~~for management of the right-of-way and roadway infrastructure].~~

6 (6) DIRECTOR means the department director designated by the city  
7 manager ~~[of the Public Works Department or that person's designee].~~

8 **PART 33.** Subsection 15-9-1(15) (*Definitions*) of the City Code is amended to read:

9 (15) UTILITY means:

10 (a) for electric service and other energy related products and services, the  
11 Austin Electric Utility;

12 (b) for water, reclaimed water, and wastewater service and other related  
13 products, the Austin Water Utility;

14 (c) for roadway services, the Public Works Department;

15 ~~[(d) for water and energy resource services, the Transportation,~~  
16 ~~Planning, and Sustainability Department;]~~

17 (d) ~~[(e)]~~ for drainage service, the Watershed Protection and Development  
18 Review Department; and

19 (e) ~~[(f)]~~ for solid waste services, the Solid Waste Services Department.

20 **PART 34.** Subsection 25-1-394(C) (*Copy Of Right-Of-Way Use Permit To Be Kept On-*  
21 *Site*) of the City Code is amended to read:

22 (C) A permit holder's failure to produce a copy of the permit on request from a  
23 police officer, an authorized representative of the City ~~[Public Works and~~  
24 ~~Transportation Department]~~, or a City building inspector, is prima facie  
25 evidence that a permit does not exist.

26 **PART 35.** Subsection 25-2-1067(D) (*Design Regulations*) of the City Code is amended  
27 to read:

28 (D) The location of and access to a permanently placed refuse receptacle,  
29 including a dumpster, must comply with guidelines published by the City  
30 ~~[Department of Public Works and Transportation]~~. The Watershed Protection  
31 and Development Review Department shall review and must approve the  
location of and access to each refuse receptacle on a property.

1 **PART 36.** Subsection 25-6-173(A) (*Collector Streets*) of the City Code is amended to  
2 read:

- 3 (A) The director of the Watershed Protection and Development Review  
4 Department ~~[and the director of the Transportation, Planning, and~~  
5 ~~Sustainability Department]~~ shall make recommendations to the Planning  
6 Commission regarding the designation of collector streets.

7 **PART 37.** Subsection 25-6-442(B) (*Access Standards*) of the City Code is amended to  
8 read:

- 9 (B) A driveway grade may not exceed 14 percent unless:
- 10 (1) the portion of the grade that exceeds 14 percent is a travel distance of at  
11 least 25 feet from the nearest right-of-way boundary; and
- 12 (2) the ~~[Transportation, Planning, and Sustainability Department and the]~~  
13 Watershed Protection and Development Review Department has [have]  
14 approved the surface and geometric design proposals.

15 **PART 38.** Subsections 25-6-653(A) through (D), (*Construction Inspection*) of the City  
16 Code are amended to read:

- 17 (A) After approval of construction plans, but before commencement of  
18 construction, representatives of the road utility district shall meet with the city  
19 manager ~~[director of the Public Works Department]~~ to discuss inspection by  
20 the City during the construction process.
- 21 (B) City ~~[Public Works Department]~~ employees shall make periodic visits to the  
22 construction site to observe the progress and quality of the work and to  
23 determine if that the work is proceeding according to the plans and  
24 specifications. The city manager ~~[Public Works Department]~~ may review all  
25 laboratory, shop, and mill tests of materials conducted by the road utility  
26 district.
- 27 (C) If the work does not comply with the construction plans, the city manager  
28 ~~[director of the Public Works Department]~~ shall give notice of the failure to  
29 comply to the road utility district. The city manager ~~[Public Works~~  
30 ~~Department]~~ may give notice that approval of the construction plans may be  
31 suspended and appropriate enforcement actions taken unless the work is  
32 brought into compliance within a specific period.
- 33 (D) The road utility district shall retain the services of a firm experienced in  
34 construction inspection and quality control. The city manager ~~[director of the~~



1 ~~Public Works Department]~~ must approve the scope of services to be performed  
2 by the firm.

3 **PART 39.** Subsection 25-9-155(C) of the City Code is amended to read:

4 (C) The city manager ~~[director of the Transportation, Planning, and Sustainability~~  
5 ~~Department]~~ shall send a copy of each report prepared under Subsection (A)  
6 to:

7 ~~[(1) the city manager;]~~

8 (1) ~~[(2)]~~ the city clerk;

9 (2) ~~[(3)]~~ the person who filed the petition;

10 (3) ~~[(4)]~~ each department that participated in the review; and

11 (4) ~~[(5)]~~ each member of the:

12 (a) Water and Wastewater Commission;

13 (b) Planning Commission;

14 (c) Environmental Board;

15 (d) Parks and Recreation Board; and

16 (e) Urban Transportation Commission.

17 **PART 40.** Subsection 25-9-157(A) (*Distribution Of Reports*) of the City Code is  
18 amended to read:

19 (A) The city manager ~~[director of the Transportation, Planning, and Sustainability~~  
20 ~~Department]~~ shall:

21 (1) compile the City department reports and board and commission  
22 recommendations into one volume; and

23 (2) send a copy of the compilation to:

24 (a) each member of the council;

25 ~~[(b) the city manager;]~~

26 (b) ~~[(e)]~~ the city clerk;

27 (c) ~~[(d)]~~ the city attorney;

1 (d) [(e)] each department that reviewed the petition; and

2 (e) [(f)] the person who filed the petition.

3 **PART 41.** Section 25-9-225 (*Administrative Approval Of An Out-Of-District Service*  
4 *Application*) of the City Code is amended to delete Subsection (C) and reletter the  
5 remaining subsection accordingly.

6 **PART 42.** Section 25-9-284 (*Notice Of Application*) of the City Code is amended to  
7 read:

8 **§ 25-9-284 NOTICE OF APPLICATION.**

9 On receipt of an application filed under Section 25-9-283 (*Application For*  
10 *Approval Of A District Bond*) the city manager [~~director of the Transportation, Planning,~~  
11 ~~and Sustainability Department~~] shall:

12 (1) notify the council[, ~~the city manager,~~] and the presiding officer of the  
13 Water and Wastewater Commission of the application; and

14 (2) send one copy of the application to[:

15 (a) ~~the city manager,~~ and

16 (b)] the presiding officer of the Water and Wastewater Commission.

17 **PART 43.** Title 30 (*Austin / Travis County Subdivision Regulations*) of the City Code is  
18 amended to:

19 (A) replace the term "director of the city's Transportation, Planning, and  
20 Sustainability Department" with "city manager" in:

21 (1) Section 30-3-43;

22 (2) Section 30-3-74;

23 (3) Section 30-3-92; and

24 (4) Section 30-3-94; and

25 (B) replace the term "city's Public Works Department" with "the city manager" in  
26 Section 30-4-123; and

27 (C) replace the term "city's Public Works Department" with "city manager" in  
28 Section 30-4-124.

1 **PART 44.** Section 25-1-42 (*Transportation, Planning, And Sustainability Department*)  
2 of the City Code is repealed.

3 **PART 45.** Except for Part 43, this ordinance takes effect on \_\_\_\_\_, 2006.  
4 Part 43 takes effect on the date that the Travis County Commissioners Court adopts an  
5 identical amendment to the Travis County Code.

6 **PASSED AND APPROVED**

7  
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10 \_\_\_\_\_, 2006

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§  
§

Will Wynn  
Mayor

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13  
14  
15 **APPROVED:**

David Allan Smith  
City Attorney

**ATTEST:**

Shirley A. Gentry  
City Clerk